

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
MAR 04 2010

BRUCE EDGAR SMITH,

CIV. 08-4187

Plaintiff,

-vs-

ORDER

SOUTH DAKOTA DEPARTMENT OF
CORRECTIONS; DOUGLAS L. WEBER, Warden,
LAURA MAY, Coordinator of STOP, KRIS
PEDERSON, STOP Program Director;

Defendants.

Plaintiff brings this prisoner civil rights action pursuant to 42 U.S.C. § 1983. The Magistrate Judge issued a Report and Recommendation recommending that Defendant's Motion for Summary Judgment be granted and Plaintiff's Motion for Summary Judgment be denied.

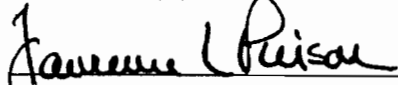
Plaintiff's objections to the Report and Recommendation have been considered. After conducting an independent review of the record, the Court agrees with the Magistrate Judge. Accordingly,

IT IS ORDERED that:

1. The Report and Recommendation (Doc. 118) is ADOPTED and Plaintiff's objections (Doc. 120) are OVERRULED.
2. Defendant's Motion for Summary Judgment (Doc. 100) is GRANTED, Plaintiff's Motion for Summary Judgment (Doc. 95) is DENIED, and Plaintiff's Complaint is dismissed, with prejudice, on the merits.

Dated this 4th day of March, 2010.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

BY 
(SEAL) DEPUTY